

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )  
                                )  
VICTOR RODRIGUEZ,         )  
CURTIS MCCOY,             )  
                                )  
Defendants.                 )

8:09CR280

ORDER

This matter is before the court on the MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS [76] FILED BY DEFENDANT VICTOR RODRIGUEZ AND MOTION TO EXTEND TIME FOR FILING OF PRETRIAL MOTIONS [77] FILED BY DEFENDANT CURTIS McCoy. Upon review of the file, the court finds an that an approximate 14-day extension should be granted. Pretrial Motions shall be filed by September 14, 2009.

**IT IS ORDERED:**

1. The MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS [76] FILED BY DEFENDANT VICTOR RODRIGUEZ AND MOTION TO EXTEND TIME FOR FILING OF PRETRIAL MOTIONS [77] FILED BY DEFENDANT CURTIS McCoy are granted. Pretrial motions shall be filed on or before **September 14, 2009**.
2. Defendants are ordered to file a waiver of speedy trial as soon as practicable.
3. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motions, i.e., **the time between August 31, 2009 and September 14, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED 1<sup>st</sup> day of September, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**